

IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT IN AND FOR DADE COUNTY, FLORIDA

173-17099

CASE NO. 173-17099

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CLERK OF DISTRICT COURT
DADE CO. FLA.

JOSEPH NESBITT

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TMV LAND DEVELOPERS CORP.,)

Plaintiff,)

vs.)

JULIO F. PEREZ and
AMPARO PEREZ,)

Defendants.)

CA 01

COMPLAINT

COMES NOW Plaintiff, TMV LAND DEVELOPERS CORP., by and through its undersigned attorney, and sues the Defendants, JULIO F. PEREZ and AMPARO PEREZ, his wife, hereafter designated as "Owner", and alleges:

1) On or about the 16th day of February, 1972, Plaintiff entered into an agreement with the Owner to furnish labor, services and material necessary for the construction of a dwelling upon the property owned by the Owner, located in Dade County, Florida, and described as follows:

Lot 14, Block 2, TMV GARDENS, Plat Book 89 at Page 84.

2) Pursuant to the agreement, Plaintiff and Owner agreed to a price of \$51,292.21 for the construction.

3) On or about the 6th day of June, 1972, Plaintiff commenced construction pursuant to the agreement upon the above-described real property of Owner. The contract was fully performed by Plaintiff, and the last item of labor and services performed and materials furnished by Plaintiff in accordance with the agreement and in the improvement of the real property of Owner was furnished on the 20th day of March 1973.

4) For the labor and services performed and the materials furnished by Plaintiff to Owner, there still remain due and unpaid to Plaintiff by Owner the total sum of Nine Thousand Twenty-One Dollars and 96/100 (\$9,021.96), and

no part of that sum has been paid. A statement showing the account is attached and marked as Exhibit "A".

5) Pursuant to Florida statutes, Plaintiff on or about June 12, 1973, furnished Owner with a statement sworn to by Plaintiff setting forth that all lienors contracting directly with or directly employed by Plaintiff had been paid in full. A copy of the sworn statement is attached as Exhibit "B".

6) Because of the failure of Owner to pay the above sum of money justly due and owing to Plaintiff, Plaintiff, pursuant to Florida statutes, and on or about the 8th day of May, 1973, recorded with the Office of the Clerk of the Circuit Court in and for Dade County, Florida, his Claim of Lien, recorded in Official Records Book 8268, Page 156, of the Public Records of Dade County, Florida. A copy of the Claim of Lien is attached as Exhibit "C".

7) Pursuant to Florida statute, Plaintiff served a true copy of the Claim of Lien by depositing it in the United States mail, registered and with postage prepaid, addressed to Owner at his usual place of abode within the State of Florida.

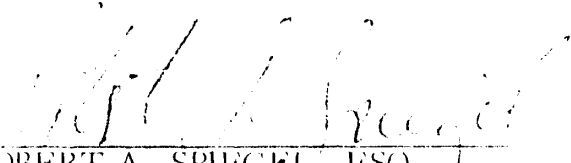
8) Pursuant to Florida Statute, Plaintiff should be awarded reasonable fee for services of his attorney, to be determined by the Court and taxed as part of its costs.

WHEREFORE, Plaintiff prays:

A. That an accounting be had to ascertain the amounts due Plaintiff; that a lien be found to exist in favor of Plaintiff upon the property described above for payment of the sums found to be due; that Defendants be provided an opportunity to pay those sums within a short time to be fixed by this Court, that in default of payment the property be sold; that out of the proceeds of the sale there be paid the costs of the sale and Court costs, and the remainder applied to the amounts due Plaintiff so far as it will suffice.

B. That reasonable fees for services of Plaintiff's attorney be awarded to Plaintiff, which are to be determined by the Court and taxed as part of its costs.

C. That the Court grant such other and further relief as appears just and equitable in the circumstances, and should a deficiency occur after application of the proceeds of the sale, that Plaintiff be granted a deficiency judgement against the Defendant Owner.


ROBERT A. SPIEGEL, ESQ.
Attorney for the Plaintiff
Douglas Entrance
800 Douglas Road
Coral Gables, Florida

TMV LAND DEVELOPERS CORPORATION
BUILDERS

M. A. FERRER

A. VILLARAUS

J. E. DE LA TORRIENTE
PRESIDENT
709 CREMONA AVENUE
CORAL GABLES, FLA. 33146
TEL. 666-2272

JOSE D. VELEZ
GENERAL MANAGER
3075 N. W. 2ND STREET
MIAMI, FLORIDA 33125
TEL. 649-3997

STATEMENT

Balance due TMV Land Developers, Corp., by Doctor Julio F. Perez and **Amparo Perez**, his wife:

1. Total amount for repairs due to bomb damage.	\$ 5,530.31
2. Total amount due for requested extras:	
a. Keystone imitation tile job around pool area.	\$ 761.90
b. Wood paneling covering all of one room including all carpentry and panels.	\$ 1,000.00
3. Total amount of closing costs discounted by the bank, First Federal Savings and Loans Association, from the construction loan.	\$ 1,729.75
4. TOTAL AMOUNT DUE.	\$ 9,021.96

Claim of Lien

State of Florida,
County of Dade

TMV LAND DEVELOPERS CORP.

(Name of Lienor)

709 Cremona Avenue, Coral Gables, Florida

(Residence or Business Address of Lienor)

RECORDED
MAY 3 1973
CLERK COUNTY CLERK

being duly sworn says that in pursuance of a contract with Julio F. Perez and Amparo Perez,

his wife,

(Name of Lienor's Employer or person with whom he contracted)

he { performed } the following { labor and } (Here describe the labor or services performed or
furnished } services and } materials }
materials furnished. Describe specially fabricated materials separately). Construction of
residence, repairs resulting from bomb damage, wood paneling, pool side,
stone work.

to the value of \$51,292.21

(State contract price)

on the following described real property. (Describe real property sufficiently for identification giving street and
number if known): Lot 14, Block 2, TMV GARDENS, Plat Book 89 at Page 84,

Dade County, Florida, a/k/a 9651 S.W. 66th Street.

owned by Julio F. Perez and Amparo Perez, his wife

(Name of owner against whose interest lien is claimed)

whose interest in such real property is fee simple

(State owner's interest, as fee simple, life estate, lease-hold, if known)

He further says that the last item of { labor } was { performed } on the 20th
services } furnished }
materials }

day of March, 19 73, and, of the contract price stated, there is unpaid

the amount of \$9,021.96

(State amount unpaid)

for which amount he claims a lien on the real property herein described.

TMV LAND DEVELOPERS CORP.

Jose D. Veloz, Sec'y. (Signature of Lienor)

Subscribed and sworn to before me this

4th

day of

May

19 73

(Notary Public)

My Commission expires

(County)

(State)

EXHIBIT "C"

Copy return _____

Service _____

_____ Miles _____

Sheriff of _____ County, Fla.

by _____

Deputy Sheriff

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT OF FLORIDA. IN AND FOR DADE COUNTY

CASE NO. 73-17099

T.M.V. LAND DEVELOPERS CORP.,

GENERAL JURISDICTION DIVISION

Plaintiff

--vs--

CIVIL ACTION
SUMMONS

JULIO F. PEREZ and AMPARO PEREZ,

Defendants

THE STATE OF FLORIDA:

To All and Singular the Sheriffs of the State:

YOU ARE HEREBY COMMANDED to serve this summons and a copy of the complaint or petition
in this action on defendant:

JULIO F. PEREZ
9651 S. W. 66th Street
Miami, Florida

3 JUL 20 AM 10:31

Each defendant is required to serve written defenses to the complaint or petition on Plaintiff's
attorney, to wit:

ROBERT A. SPIEGEL, ESQ.
800 Douglas Road
Coral Gables, Florida 33134

whose address is:
within 20 days after service of this summons on that defendant, exclusive of the day of service,
and to file the original of the defenses with the Clerk of this Court either before service on
Plaintiff's attorney or immediately thereafter. If a defendant fails to do so, a default will be
entered against that defendant for the relief demanded in the complaint or petition.

WITNESS my hand and the seal of said Court on July 13 1973 19____

Richard P. Brinker,
as Clerk of said Court

by: [Signature]
Deputy Clerk

(Court Seal)

Copy Julio F. et al